



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,853	03/13/2000	Hadi Partovi	22379-710	6249

7590 02/25/2004

WAGNER, MURABITO & HAO LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 02/25/2004

26

Please find below and/or attached an Office communication concerning this application or proceeding.

P29

Office Action Summary

Application No.

09/523,853

Applicant(s)

PARTOVI ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment D filed on 02/09/2004. Claims 1, 3-5, and 7-22 are presented for examination. Claims 2 and 6 have been cancelled. Claims 7 and 10 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1, 3-5 and 7-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Albal et al. (US 2003/0147518), herein after referred as Albal.**

4. As to claim 1, Albal teaches a method of using a telephone identifying information to present information over a telephone interface using a first computer, the method comprising:

selecting at least one voice character prosody setting of a language based on the telephone identifying information (i.e., the number of the caller is determined/identified through the use of caller line identification “CLI” and/or automatic number identification “ANI”), wherein the voice character prosody setting comprises a speech pattern selected from a set of speech patterns (i.e., automatically providing various dialog voice personalities, such as a female voice, a male voice, etc., implementing various grammars, vocabulary, selecting various speech recognition models, such as an English model, a Spanish model, an English accent model, etc., based upon a user profile, the user’s communication device, and/or the user’s speech patterns), wherein a speech pattern identifies an intonation for presenting said language (Albal, paragraphs [0047] – [0048]); and

the application server 242 can retrieve information, i.e., weather reports, stock information, traffic reports, restaurants, flower shops, banks, calendars, “to-do” lists, e-commerce, etc., process the retrieved information and provide/output the information to the user via the VRU server 234 (i.e., presenting information according to the at least one voice character prosody setting over the telephone interface using the first computer) (Albal, paragraphs [0055] and [0074]).

5. As to claims 3-4 and 7, Albal teaches the method of claim 1, wherein the telephone identifying information is used to identify a locale (e.g., a hospital or a nursing home) associated with a corresponding or preferred speech pattern (e.g., a high volume level or slower speech pattern) of the set of speech patterns (based upon a user profile, the user's communication device, the user's telephone number through the use of automatic number identification "ANI" or caller line identification "CLI", and/or the user's speech patterns), and the voice character prosody setting comprises the corresponding speech pattern of the set of speech patterns (Albal, paragraphs [0047] – [0048]).

6. As to claims 5 and 21-22, Albal teaches the method of claim 1, wherein the voice character prosody setting further comprises a particular voice actor (i.e., the node 212 can provide various dialog voice personalities such as a female voice, a male voice, etc.) and a particular speed and a particular volume level (the communication node 212 can also allow the user to select a particular speech pattern based on the user profile, the user's communication device, and/or the user's speech patterns) (Albal, paragraphs [0047]).

7. As to claim 8, Albal teaches a computer supporting user personalized profiles using a telephone identifying information, a telephone interface, and an Internet interface, the computer system comprising:

a database (a database server unit 244 of the communication node 212) including personalization profiles for a plurality of users, each profile defining

preferences, personalizing a corresponding user's interactions with the computer system, and indicating a voice character prosody setting of a language, wherein the voice character prosody setting comprises a speech pattern selected from a set of speech patterns, wherein a speech pattern identifies an intonation for presenting information using a language;

a server (an application server 242, a gateway server or a router firewall server 246 of the communication node 212) supporting the Internet interface, the server allowing access to, and modification of, the personalization profiles by the corresponding users;

a telephone interface subsystem (a telephone switch 230 of the communication node 212) supporting the telephone interface to receive the telephone identifying information through the use of automatic number identification "ANI" or caller line identification "CLI" to access the corresponding personalization/user profile (Albal, Fig. 9 and corresponding text).

8. Claim 9 is a corresponding computer system claim of claim 3; therefore, it is rejected under the same rationale.

9. As to claim 10, Albal teaches the computer system of claim 8, wherein the telephone identifying information includes a caller number identification (CID), wherein the CID is used by the first program code to perform matching of calls to a personalization/user profile of said database (Albal, paragraph [0047] – [0048]).

10. As to claim 11, Albal teaches the computer system of claim 8, wherein the server includes a web server (the content providers 208 and 221 can include a server to operate web pages or documents in form of a markup language) for presenting customized interfaces to users to access and modify the personalization profiles (Albal, Fig. 9 and corresponding text, paragraph [0079]).

11. As to claim 12, Albal teaches the computer system of claim 8, wherein the telephone interface subsystem includes a call manager (the telephone switch 230), the call manager supporting multiple simultaneous telephone calls over the telephone interface (Albal, Fig. 9 and corresponding text, paragraph [0055] – [0056]).

12. Claim 13 is a corresponding claim of claim 8; therefore, it is rejected under the same rationale.

13. Claims 14-20 are corresponding claims of claims 1, 3-4 and 21-22; therefore, they are rejected under the same rationale.

Response to Arguments

14. In the remarks, applicant argued in substance that

(A) Prior art is silent as to how a particular dialog voice personalities or grammar for presenting information to the user is selected.

As to point (A), **Albal** teaches the system can ***automatically provide, implement, and/or select*** various dialog voice personalities, such as a female voice, a male voice, etc., various grammars, vocabulary, etc., and various speech recognition models, such as an English model, a Spanish model, an English accent model, etc., ***based upon the incoming call information such as the telephone identifying information through the “CLI” or “ANI”, based upon the retrieved information relating to the user from a database such as the user profile, the user’s communication device, and/or the user’s speech patterns*** (**Albal**, paragraphs [0046 – 0048] and [0073]). Hence, **Albal** does teach how a particular dialog voice personalities or grammar for presenting information to the user is selected.

(B) Prior Art does not teach, disclose, or suggest “presenting information based on a voice character prosody setting over the telephone interface”.

As to point (B), **Albal** teaches the application server 242 can retrieve information, i.e., weather reports, stock information, traffic reports, restaurants, flower shops, banks,

calendars, "to-do" lists, e-commerce, etc., process the retrieved information and ***provide/output the retrieved/processed information to the user via the VRU server 234*** (**Albal**, paragraphs [0055] and [0074]). Hence, **Albal** does teach "presenting information based on a voice character prosody setting over the telephone interface".

15. Applicant's arguments as well as request for reconsideration filed on 02/09/2004 have been fully considered but they are not deemed to be persuasive.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2141

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER